

REMARKS

After entry of the above amendments, claims 35-40 will remain pending in the above identified application. Claims 35-40 have been amended. No new matter had been added.

Claim Rejections Under 35 U.S.C. § 102

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference. *Verdegaal Brothers v Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim rejections - 35 U.S.C. § 102(e)

Claims 35-40 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,778,389 (“Pruett et al.”). Applicants respectfully disagree with the rejection but assert that the rejection is moot in light of the amendments to claims 35-40. Support for claims 35-40 as amended is provided in Applicants’ specification at, for example, *page 7, ln. 16- page 8, ln. 11; page 10, ln. 1- page 11, ln. 9; page 12, lns 16-20*.

Claim 35 as amended recites, inter alia, “a second memory store coupled to the first memory store the second memory store including a second folder for storing second record entries in a file, the second folder being synchronized with the first folder at a first moment in time such that the content of the second folder is consistent with the content of the first folder at the first moment in time.” Pruett et al. does not disclose this element. Moreover, Pruett et al. is directed only to copying entire files as contrasted with record entries in a file. [See, Pruett et al. col. 2 ll. 18-19] Therefore, the reference does not anticipate this claim.

Based on at least the reasons noted above, Applicants respectfully submit that claim 1 is not anticipated by Pruett et al.

Since claims 36-40 each recites elements similar to those of claim 35, it is respectfully submitted that claims 36-40 are not anticipated for at least the same reasons.

Claim Rejections Under 35 U.S.C. § 103

To establish a *prima facie* case of obviousness, three basic criteria must be met. See MPEP §§ 706.02(j), 2143-2143.03; *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *Id.*

Claim rejections - 35 U.S.C. § 103(a)

Claims 35-40 stand rejected as being allegedly obvious under 35 U.S.C. § 103(a) in view of Pruett et al. Applicants respectfully disagree with the rejection but assert that the rejection is moot in light of the amendments to claims 35-40. Reconsideration and withdrawal of the rejections are respectfully requested, as follows.

Pruett et al. does not teach or suggest all of the limitations of the subject claims as amended, either alone or as combined as suggested by the Office Action. It is respectfully submitted that claims 35-40 are patentable over Pruett et al. for the same reasons discussed above.

Additional Remarks

A Petition for Three Months Extension of Time Under 37 CFR 1.136(a) is filed herewith under separate cover to extend the due date to November 04, 2006.

The Commissioner is hereby authorized to charge any additional fees which may be required by this Amendment/Response including fees for added claims not otherwise already paid for including any additional unpaid extension of time fees, or to credit any overpayment, to Deposit Account No. (50-1847).

CONCLUSION

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Respectfully Submitted,

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